

**Remarks/Arguments:**

Claims 1-14 are pending. Claims 1-14 stand rejected. In this response, claims 1, 6 and 11 are amended and claim 13 is canceled. Accordingly, claims 1-12 and 14 are presented for reconsideration.

**Rejections Under 35 U.S.C. § 103**

The Office Action sets forth at page 2, paragraph 2 "Claims 1-3, 5-8, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banfield in view of Gartaganis et al and any one of Japanese Patent 62-129108, Japanese Patent 57-154447, or Katraro et al." The rejection of claim 13 is moot in view of its cancellation. Applicants respectfully submit that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicants' invention, as recited in claim 1 as amended, includes features not disclosed or suggested by any of the cited prior art references: namely

...welding or gluing the edges of said membrane together, either in an overlapping or joint fashion

...then applying from the inside onto said butt seam or overlapping area a strip of a sealing material which can be solidified...

...finally solidifying said sealing material. (Emphasis added)

These features are described in applicants' specification, for example, at page 5, line 20 - page 6, line 26.

Applicants' invention is a multi-step process for the continuous production of composite or multi-layer membrane tubes comprising winding a flat composite membrane into a tubular form, welding or gluing together the membrane edges and, in a subsequent step, applying from the inside onto the edge or overlapping area created by the previous welding or gluing operation a strip of sealing material which can be solidified, followed by a final step of solidifying the strip of sealing material.

Banfield is relied upon for "[suggesting] that it was known at the time the invention was made to form a membrane tube by applying a membrane sheet onto a mandrel...In overlapping relationship along with one or more porous fibrous tapes about the exterior of the membrane

sheet on a mandrel...[and] that a suitable adhesive was applied to join the layers together.” (Emphasis added) Gartaganis is relied upon as “[suggesting] a conventional arrangement of a winding machine including a flexible belt on the mandrel which applied an adhesive material to the windings (tapes) as they were being wound...[and] that those versed in the art would have applied adhesive material from an extruder 40 through a pipe 42 (nozzle) onto the upper surface of the belt 20 where the adhesive employed is a settable hot melt adhesive material.”

The Office readily admits, however, that “the combination failed to teach that one skilled in the art would have provided a seal about the overlap or butted edges of the wound material on the exterior of the tubular assembly.” The Office goes on further and relies on Japanese Patent ‘108, ‘447 or Katraro for “[suggesting] that those skilled in the art of making a tubular membrane assembly would have exposed the same to heat and pressure about the exterior of the assembly in order to join the overlapping [or] abutting exterior ply of wound material and render the finished assembly smooth about the exterior.” (Emphasis added)

The prior art of record does not disclose or suggest, however, i) welding or gluing the edges of the membrane together, either in an overlapping or joint fashion, and ii) then applying from the inside onto the butt seam or overlapping area a strip of a sealing material which can be solidified, and iii) finally solidifying the sealing material. These features are not disclosed in any of the references either singly or in any combination. In fact, each of the references suffer from the deficiencies outlined in applicants’ specification at page 4, lines 21 -26. Accordingly, one skilled in the art would not be motivated to utilize the techniques of the cited references to reach applicants’ claimed invention absent a reliance on the teaching by applicants. Accordingly, such reliance is merely hindsight and is thus improper.<sup>1</sup>

Accordingly, applicants respectfully submit that the rejection of claim 1 as being obvious over the combination of Banfield in view of Gartaganis et al. and any one of Japanese Patent ‘108, ‘447 or Katraro et al. is improper, should be withdrawn and the claim allowed.

Claims 2-3, 5-8, 10-12 and 14 ultimately depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

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<sup>1</sup> *Interconnect Planning*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985). See also *Uniroyal v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); *In re Deminski*, 796 F.2d 436, 443, 230 USPQ 313, 316 (Fed. Cir. 1986); *In re Kamm*, 452 F.2d 1052, 1056-57, 172 USPQ 298, 301-02 (CCPA 1972)

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references cited in the rejection of claim 1 and further in view of Havens and Hamer. Applicants respectfully submit that this rejection is overcome by the amendments to the claims for the reasons set forth below.


Havens and Hamer fail to make up for the deficiencies of the prior art cited against claim 1. Accordingly, because claims 4 and 9 depend upon claim 1, they are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

Claims 6 and 11 are amended. Basis for these amendments may be for in applicants' specification as originally filed, for example, at page 6, lines 19-26. These amendments do not add new matter.

In view of the amendments and remarks set forth above, applicants submit that this application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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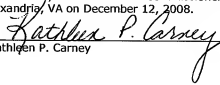
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Dated: December 12, 2008

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I hereby certify that this correspondence is being electronically transmitted to: Commissioner for Patents, Alexandria, VA on December 12, 2008.

  
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